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DATE: January 12, 2005

TO: Commissioner for Patents  
Attn: Examiner Mendez  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: Brian C. Whipps  
  
OUR REF: 1001.1698104  
TELEPHONE: 612-677-9050

Total pages, including cover letter: 3

**PTO FAX NUMBER: 703-872-9306**

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Title of Document(s) Transmitted: RESPONSE TO RESTRICTION REQUIREMENT

Applicant: Mark Agro et al.  
Serial No.: 10/825,250  
Filed: April 14, 2004  
Group Art Unit: 3763  
Our Ref. No.: 1001.1698104  
Confirmation No.: 8307  
Customer No.: 28075

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By: Brian C. Whipps  
Name: Brian C. Whipps  
Reg. No. 43,261

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Kathleen L. Bockley  
Name: Kathleen L. Bockley

January 12, 2005  
Date

## P A T E N T

UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mark Agro et al.

Confirmation No. 8307

Serial No.: 10/825,250

Examiner: M. Mendez

Filed: April 14, 2004

Group Art Unit: 3763

Docket No.: 1001.1698104

Customer No.: 28075

Title: SINGLE OPERATOR EXCHANGE BILIARY CATHETER

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RESPONSE TO RESTRICTION REQUIREMENTCERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(i)(B))

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Kathleen L. Boekley

Type or print name of person signing certification

Kathleen L. Boekley January 12, 2005  
 Signature Date

Dear Sir:

In response to the Restriction Requirement mailed December 13, 2004, Applicants timely provide the following election.

Applicant's representative, Brian C. Whipps, conducted a telephone conference with Examiner Manuel Mendez on January 7, 2005. During that telephone conference, the parties discussed that original claims 1-29 had been cancelled with a preliminary amendment. Original claims 1-29 were the subject of the restriction requirement made by the Examiner. The Examiner suggested that the applicant propose election of the preliminary amendment claims.

Thus, Applicants propose the following:

Claims 30-37 are directed to a cannula, claims 38-45 are directed to a cannula in combination with a guidewire, and claims 36-49 are directed to a catheter for use in combination with an

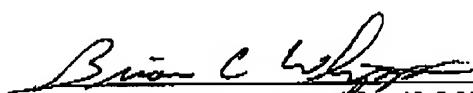
Appl. No. 10/825,250  
Restriction Response dated January 12, 2005  
Reply to Office Action of December 13, 2004

endoscope and a guidewire. As suggested by the Examiner, Applicants propose that claims 30-45 directed to a cannula and to a cannula in combination with a guidewire be a first invention and the last claim set 46-49 directed to a catheter in use in combination with an endoscope and guidewire be a second invention.

As such, Applicants hereby elect claims 30-45, the first invention, without traverse.

Respectfully Submitted,  
Mark Agro et al.  
By their Attorney,

Date: 12 Jan 2005



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